

Introduced by Senator Lowenthal
(Coauthor: Assembly Member Wieckowski)

February 17, 2011

An act to add Chapter 6.6 (commencing with Section 42391) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 568, as introduced, Lowenthal. Recycling: polystyrene food containers.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state to generally meet one of specified criteria.

This bill would prohibit a food vendor, on and after January 1, 2013, from dispensing prepared food to a customer in a polystyrene foam food container and would define related terms.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 6.6 (commencing with Section 42391)
- 2 is added to Part 3 of Division 30 of the Public Resources Code, to
- 3 read:

CHAPTER 6.6. POLYSTYRENE FOAM FOOD CONTAINERS

42391. For the purposes of this chapter, the following terms have the following meanings:

(a) “Customer” means a person obtaining prepared food from a food vendor.

(b) (1) “Polystyrene foam food container” means a container made of thermoplastic petrochemical material utilizing the styrene monomer, that meets all of the following conditions:

(A) Polystyrene is the sole resin used to produce the rigid plastic packaging container.

(B) The container is required to be labeled with a “6” pursuant to subdivision (a) of Section 18015.

(C) The container is used, or is intended to be used, to hold prepared food.

(2) A polystyrene foam food container may be processed by a number of techniques, including, but not limited to, fusion of polymer spheres or expandable bead polystyrene.

(3) Polystyrene foam may also be referred to as Styrofoam™, a Dow Chemical Company trademarked form of polystyrene foam insulation.

(4) A polystyrene foam food container includes, but is not limited to, a cup, bowl, plate, tray, or clamshell container that is intended for single use.

(c) (1) “Food vendor” means a food facility, as defined in Section 113789 of the Health and Safety Code, including, but not limited to, a restaurant or retail food and beverage vendor located or operating within the state.

(2) A food vendor also includes, but is not limited to, an itinerant restaurant, pushcart, vehicular food vendors, a caterer, a cafeteria, a store, a shop, a sales outlet, or other establishment, including a grocery store or a delicatessen.

(3) A food vendor does not include a correctional facility, including, but not limited to, a state prison, county jail, facility of the Division of Juvenile Justice, county-or city-operated juvenile facility, including juvenile halls, camps, or schools, or other state or local correctional institution.

(d) “Prepared food” means food, as defined in Section 109935 of the Health and Safety Code, including a beverage, that is served, packaged, cooked, chopped, sliced, mixed, brewed, frozen,

1 squeezed, or otherwise prepared for consumption. Prepared food
2 includes “ready-to-eat food,” as defined in Section 113881 of the
3 Health and Safety Code.

4 (1) “Prepared food” does not include raw, butchered meats, fish,
5 or poultry that is sold from a butcher case or a similar retail
6 appliance.

7 (2) “Prepared food” may be eaten either on or off the premises,
8 and includes takeout food.

9 42392. On and after January 1, 2013, a food vendor shall not
10 dispense prepared food to a customer in a polystyrene foam food
11 container.

12 42393. This chapter does not preempt the authority of a county,
13 city, or city and county to adopt and enforce additional single-use
14 takeout food packaging ordinances, regulations, or policies that
15 are more restrictive than the applicable standards required by this
16 chapter.

17 42394. The provisions of this chapter are severable. If any
18 provision of this chapter or its application is held invalid, that
19 invalidity shall not affect other provisions or applications that can
20 be given effect without the invalid provision or application.